

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Cuthbert G. Davison
Debtor(s)

Bankruptcy Case No.: 18-23821-GLT
Issued Per 11/7/2019 Proceeding
Chapter: 13
Docket No.: 63 - 53
Concil. Conf.: April 23, 2020 at 09:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated May 31, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,987.00 as of November, 2019. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Apr. 23, 2020 at 09:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: Claim No. 2-2 of Bank of NY Mellon to govern pending resolution of objection to claim with payment to be determined Trustee on principal balance and with Escrow of \$380.97 as LTCD from month 1.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: November 7, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Cuthbert G. Davison
 Debtor

Case No. 18-23821-GLT
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
 Form ID: 149

Page 1 of 2
 Total Noticed: 24

Date Rcvd: Nov 07, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 09, 2019.

db
 14922617 +Cuthbert G. Davison, 6206 Wellesley Ave, Pittsburgh, PA 15206-1725
 14922618 +Caliber Home Loans, Inc., P.O. Box 24610, Oklahoma City, OK 73124-0610
 City and School Treasurer's Office, Real Estate Division, 414 Grant Street,
 Pittsburgh, PA 15219-2476
 14922621 County of Allegheny, Jordan Tax Service, Inc., P.O. Box 200, Bethel Park, PA 15102-0200
 14922619 County of Allegheny, c/o Jordan Tax Service, P.O. Box 200, Bethel Park, PA 15102-0200
 14922620 County of Allegheny, Allegheny County Treasurer, P.O. Box 643385,
 Pittsburgh, PA 15264-3385
 14922623 +Goehring Rutter & Boehm, 437 Grant Street, 14th Floor, Pittsburgh, PA 15219-6107
 14922624 +HSBC Bank, P.O. Box 30253, Salt Lake City, UT 84130-0253
 14922628 +KML Law Group, P.C., Mellon Independence Center - Suite 5000, 701 Market Street,
 Philadelphia, PA 19106-1538
 14922632 Phelan Hallinan Diamond & Jones, LLP, 1617 JFK Boulevard, Suite 1400, One Penn Center Plaza,
 Philadelphia, PA 19103
 14922636 +The Bank of New York Mellon, Caliber Home Loans Inc., 13801 Wireless Way,
 Oklahoma City, OK 73134-2500
 14922637 UPMC, P.O. Box 382059, Pittsburgh, PA 15250-8059
 14922638 +UPMC Physician Services, P.O. Box 371980, Pittsburgh, PA 15250-7980
 14948593 UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14922622 +E-mail/Text: kburkley@bernsteinlaw.com Nov 08 2019 02:45:45 Duquesne Light Company,
 411 Seventh Avenue, MD 6-1, Pittsburgh, PA 15219-1942
 14922627 E-mail/Text: cio.bncmail@irs.gov Nov 08 2019 02:45:11 Internal Revenue Service,
 P.O. Box 7346, Philadelphia, PA 19101-7346
 14922629 +E-mail/Text: bankruptcydpt@mcmcg.com Nov 08 2019 02:45:25 Midland Credit Management, Inc.,
 8875 Aero Drive, Suite 200, San Diego, CA 92123-2255
 14922630 E-mail/PDF: cbp@onemainfinancial.com Nov 08 2019 02:52:39
 One Main Financial Bankruptcy Dept, P.O. Box 6043, Sioux Falls, SD 57117-6043
 14922631 E-mail/PDF: cbp@onemainfinancial.com Nov 08 2019 02:51:03 OneMain Financial,
 Bankruptcy Dept, P.O. Box 6042, Sioux Falls, SD 57117-6042
 14922635 E-mail/PDF: cbp@onemainfinancial.com Nov 08 2019 02:50:48 Springleaf, P.O. Box 3327,
 Evansville, IN 47732-3327
 14922633 +E-mail/Text: compliance@sentrycredit.com Nov 08 2019 02:45:50 Sentry Credit, Inc.,
 2809 Grand Ave, Everett, WA 98201-3417
 14922634 E-mail/PDF: cbp@onemainfinancial.com Nov 08 2019 02:50:48 Springleaf, PO Box 64,
 Evansville, IN 47701-0064
 14961304 +E-mail/Text: ECMBKMail@Caliberhomeloans.com Nov 08 2019 02:45:52
 The Bank of New York Mellon, as Trustee for CIT, c/o Caliber Home Loans,
 13801 Wireless Way, Oklahoma City OK 73134-2500
 15034419 E-mail/Text: jennifer.chacon@sp servicing.com Nov 08 2019 02:45:52
 The Bank of New York Mellon, et al, C/O Select Portfolio Servicing, Inc.,
 Attn: Remittance Processing, P.O. Box 65450, Salt Lake City, UT 84165-0450
 TOTAL: 10

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr THE BANK OF NEW YORK MELLON, et.al.
 cr The Bank of New York Mellon, successor to The Bank
 14922626 ##+Innovative Credit Solution, 2900 Bristol St, Costa Mesa, CA 92626-5945
 14922625 ##+Innovative Credit Solution, 2900 Bristol St Ste C204, Costa Mesa, CA 92626-5945
 TOTALS: 2, * 0, ## 2

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 09, 2019

Signature: /s/Joseph Speetjens

District/off: 0315-2

User: dbas
Form ID: 149

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Total Noticed: 24

Date Rcvd: Nov 07, 2019

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 7, 2019 at the address(es) listed below:

James Warmbrodt on behalf of Creditor The Bank of New York Mellon, successor to The Bank of New York, not in its individual capacity but solely as Trustee on behalf of the holders of the CIT Mortgage Loan Trust, 2007-1 Asset-Backed Certif bkgroup@kmlawgroup.com

James Warmbrodt on behalf of Creditor THE BANK OF NEW YORK MELLON, et.al. bkgroup@kmlawgroup.com

Mark G. Moynihan on behalf of Debtor Cuthbert G. Davison mark@moynihanlaw.net, moynihan.mark@gmail.com/moynihanmr71581@notify.bestcase.com

Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov

Ronda J. Winnecour cmecf@chapter13trusteedpa.com

Thomas Song on behalf of Creditor THE BANK OF NEW YORK MELLON, et.al. pawb@fedphe.com

TOTAL: 6